

704: Retaliation and Reprisals

- A. No person shall discriminate or retaliate in any manner against any resident, relative or guardian of a resident, any employee of a long term care facility, or any other person due to filing a complaint with, providing information to, or otherwise cooperating in good faith with any representative of the Office.
- B. Any intentional retaliation, discrimination or reprisals against any resident, relative or guardian of a resident, employee of a facility or any other person for contacting or providing information to a LTCO is a violation of 20 ILCS 105/4.04. Violation of this provision is a business offense, punishable by a fine not to exceed \$501.
- C. Any person who has knowledge of such interference or retaliation may report such information to the Office.
- D. When a LTCO believes that such retaliation, discrimination or reprisal is occurring, has occurred or has been attempted, the LTCO should take such steps as are feasible to prevent the retaliation, discrimination or reprisal from recurring, occurring or continuing. The LTCO shall, if possible, warn the perpetrator of the sanctions provided by the law. The LTCO shall attempt to corroborate the retaliation, discrimination or reprisal with documentation, witnesses, photographs, or physical evidence. The prosecution of any retaliation, discrimination or reprisal as a business offense may involve a criminal trial, and accordingly any corroborating evidence should be carefully collected, preserved, and safeguarded for delivery to the appropriate law enforcement official.
- E. The LTCO shall immediately notify the Office about the retaliation, discrimination, or reprisal and submit supporting documentation of the act or acts.

- F. The Office shall review the information provided, and conduct further investigation if necessary, to confirm the occurrence of the interference or retaliation.
- G. If the Office, based on such review, determines that enforcement action is warranted, the Office shall pursue the following course of action:
 - 1. When the entity that has interfered or retaliated is a long term care facility or its staff or agents:
 - a. the Office shall submit a written report of such interference or retaliation to the Department of Public Health or the Department of Public Aid, as appropriate, and request the Department of Public Health or the Department of Public Aid to investigate the report, and if found substantiated, to impose sanctions and penalties; and
 - b. the Department shall also assist the Office in determining appropriate sanctions and assuring that appropriate sanctions are implemented which may include notification of the Office of Attorney General or the appropriate State's Attorney that an apparent violation of 20 ILCS 105/4.04 has occurred, and request prosecution of the individual or entity for a business offense under that Act.
 - 2. When the entity that has interfered or retaliated is an individual or entity other than a long term care facility or its staff or agents:
 - a. the Office shall report such interference or retaliation to the IDoA Director; and

- b. the IDoA General Counsel shall assist the Office in determining appropriate sanctions and assuring that appropriate sanctions are implemented which may include notification of the Office of Attorney General or the appropriate State's Attorney that an apparent violation of 20 ILCS 105/4.04 has occurred, and request prosecution of the individual or entity for a business offense under that Act.